IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 468 OF 2003.

Vilas Hiralal Kale & anr. ... Applicants.
Versus.
The State of Maharashtra & anr. ... Respondents.

Shri Rahul S.Kate for the Applicants.
Ms.S.D.Shinde, A.P.P. for the Respondent No.1.
Shri R.D.Suryavanshi for Respondent No.2.

CORAM : ABHAY S. OKA, J.

DATED : 28th June, 2005.

P.C.:

1. Rule. The learned A.P.P. waives service for Respondent No.1. Shri Suryavanshi waives service for Respondent No.2 and 3. The Applicants have been convicted by the trial Court for offence punishable under section 307 read with section 34 of the Indian Penal Code. The Applicants have been sentenced to suffer R.I. for 5 years and pay a fine of Rs.1000/- and in default of payment of fine suffer R.I. for six months. From the affidavits which are filed today in Criminal Application No.3672 of 2004 it appears that the Applicants and the Respondents Nos.2 and 3 have amicably resolved their disputes.

2. It is not in dispute that the Applicants have already undergone imprisonment for about 3 months.

3. In view of the affidavits which are referred to in the separate order passed today in Criminal Application

No.3672 of 2004, the Revision Application deserves to be partly allowed by modifying the order of sentence. The Applicants will have to be released on the basis of the sentence already undergone by them. It is stated that the fine amount has been paid by the Applicants.

4. In view of the above, I pass the following order:

(i) The order of sentence passed against the Applicant is modified and they are directed to undergo R.I. for the period which they have already undergone the sentence. The bail bond of the Applicants will stand cancelled.

(ii) Rule is made absolute in the above terms.

(iii) Parties to act on an authenticated copy of this order.

Judge.